

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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| BANK OF NEW YORK MELLON, | : | Case No. 3:19-cv-53 |
| Formerly known as Bank of New York, | : | |
| | : | Judge Thomas M. Rose |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| GREGORY THOMAS ACKERMAN, et al., | : | |
| | : | |
| Defendants. | : | |

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 5); ADOPTING
REPORT AND RECOMMENDATIONS (DOC. 4); REMANDING CASE TO
MONTGOMERY COUNTY, OHIO COURT OF COMMON PLEAS; AND
TERMINATING THIS CASE**

This case is before the Court on the Objections (Doc. 5) filed by Defendants Gregory T. Ackerman and Joyce L. Ackerman (together, “Defendants”) to the Report & Recommendations (“Report”) entered by Magistrate Judge Sharon L. Ovington. In the Report, Magistrate Judge Ovington determined that Defendants’ removal of this case to federal court was improper because the Court lacks subject matter jurisdiction. She therefore recommended that this case be remanded to the Montgomery County, Ohio Court of Common Pleas, where it was originally filed, and terminated on this Court’s docket. Defendants filed Objections (Doc. 5) to the Report. This matter is ripe for review.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court made a *de novo* review of the record in this case. Upon said review, the Court finds that the

Objections to the Report are not well-taken and are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 4) in its entirety and rules as follows:

1. This case is **REMANDED** to the Montgomery County, Ohio Court of Common Pleas pursuant to 28 U.S.C. §§ 1447(c) and 1915(e)(2); and
2. This case is **TERMINATED** on the Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Monday, March 25, 2019.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE